

1 TONY WEST
2 Assistant Attorney General
JOHN R. TYLER
3 Assistant Branch Director
ERIC B. BECKENHAUER, CSBN 237526
4 Trial Attorney

5 U.S. Department of Justice
6 Civil Division, Federal Programs Branch
7 20 Massachusetts Ave. NW
Washington, DC 20530
Telephone: (202) 514-3338
Facsimile: (202) 616-8470
E-mail: eric.beckenhauer@usdoj.gov

8 Attorneys for Defendants

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 NATIONAL LAWYERS' GUILD SAN
FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

15 Plaintiffs,

**JOINT STATUS REPORT
AND STIPULATION TO EXTEND
TIME TO FILE BILL OF COSTS
AND/OR MOTION FOR ATTORNEY'S
FEES; AND [PROPOSED] ORDER**

16 v.
17 U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

18 Defendants.
19 _____ /

20
21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. The parties have entered into a series of stipulations to stay proceedings since April
23 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive
records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that
they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or
CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule
28

NO. C 08-5137 RS

JOINT STATUS REPORT AND STIPULATION TO EXTEND TIME TO FILE FEES AND COSTS

1 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect
2 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,
3 EOIR, and ICE. Most recently, on June 1, 2011, the Court approved the parties' stipulations (a) to
4 further stay proceedings through and including August 31, 2011, and (b) to submit a joint report
5 advising the Court on the status of negotiations, and/or a stipulation proposing a schedule to govern
6 further proceedings, no later than August 31, 2011; and

7 2. As a result of those negotiations, Plaintiffs have stipulated that they do not contest
8 either the adequacy of the searches performed, or the propriety of the withholdings made, by CBP,
9 EOIR, and ICE. The parties now agree that all merits issues in this case have been resolved.
10 Accordingly, pursuant to Rule 41(a)(1)(A)(ii), the parties are simultaneously filing a stipulation of
11 dismissal of this action with prejudice with respect to all remaining Defendants; and

12 3. The parties are engaged in discussions about whether an award of attorney's fees
13 and costs is appropriate, and to that end, Plaintiffs have extended a proposal to Defendants. While
14 Defendants do not concede that Plaintiffs are entitled to recover any fees or costs in this case, and
15 reserve all rights to oppose any bill of costs or motion for attorney's fees, they are carefully
16 considering Plaintiffs' proposal. Under the local rules, any bill of costs or motion for attorney's fees
17 would ordinarily be due within 14 days after entry of judgment. See Civil L.R. 54-1(a), 54-6(a).
18 Although further negotiation may eliminate the need for judicial resolution of any dispute over fees
19 or costs, the parties anticipate that it will take several months for their negotiations to conclude; and

20 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the
21 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

22 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
23 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
24 bill of costs and/or motion for attorney's fees shall be extended by approximately three months, to
25 September 30, 2011, notwithstanding any local rule to the contrary.

26 //

27 //

28 //

1 Dated: June 29, 2011

2 Respectfully submitted,

3 JAYASHRI SRIKANTIAH
4 IMMIGRANTS' RIGHTS CLINIC
STANFORD LAW SCHOOL
5 559 Nathan Abbott Way
Stanford, CA 94305
Tel: (650) 724-2442
Fax: (650) 723-4426

6 LINTON JOAQUIN
7 KAREN TUMLIN
8 NATIONAL IMMIGRATION
LAW CENTER
9 3435 Wilshire Boulevard, Suite 2850
Los Angeles, CA 90010
Tel: (213) 639-3900
Fax: (213) 639-3911

10 /s/ Lisa A. Davis
JARED KOPEL
LISA A. DAVIS
DOMINIQUE-CHANTALE ALEPIN
WILSON SONSINI GOODRICH &
ROSATI
Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304-1050
Tel: (650) 493-9300
Fax: (650) 565-5100

11 Attorneys for Plaintiffs

12 **SIGNATURE ATTESTATION**

13 In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's
concurrence in the filing of this document.

14 /s/ Eric B. Beckenhauer
ERIC B. BECKENHAUER

15 **[PROPOSED] ORDER**

16 Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any
bill of costs and/or motion for attorney's fees shall be extended to September 30, 2011,
notwithstanding any local rule to the contrary.

17 **SO ORDERED.**

18 Dated: 6/30/11

19 
RICHARD SEEBOORG
United States District Judge